

ESTTA Tracking number: **ESTTA398980**

Filing date: **03/21/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Mc Eron Ltd.		
Entity	Corporation	Citizenship	Hong Kong
Address	Room 813, 610 Nathan Road 8 F Hollywood Plaza Kowloon, HONG KONG		

Domestic Representative	Herve N. Linder, Esq ERNST & LINDER LLC 17 Battery Place, Suite 1307 New York, NY 10004 UNITED STATES linder@el-law.com Phone:212-488-1672
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### Registration Subject to Cancellation

Registration No	3068938	Registration date	03/14/2006
Registrant	Luiso, John 10763 Wilshire Blvd. #4 Los Angeles, CA 90024 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 016. First Use: 2005/09/30 First Use In Commerce: 2005/09/30  
All goods and services in the class are cancelled, namely: comic books, graphic novels, series of fictional books; comic strips; coloring and children's books; series of trading cards

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	20110320 Petition for Cancellation SIGNED.pdf ( 3 pages )(1129091 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Herve N. Linder/
Name	Herve N. Linder, Esq
Date	03/21/2011



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3,068,938

Date of Issue: March 14, 2006

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Mc Eron Ltd. )  
                    Petitioner, )  
                                    )  
v. )                      Cancellation No.: \_\_\_\_\_  
                                    )  
John Luiso )  
                    Registrant. )  
-----X

**PETITION FOR CANCELLATION**

Petitioner Mc Eron Ltd., a Hong Kong corporation, having an office at Room 813, 610 Nathan Road, 8 F Hollywood Plaza, Kowloon, Hong Kong ("Petitioner"), believes that it is or will be damaged by Registration No. 3,068,938 and hereby petitions to cancel the same.

As grounds for this Petition, it is alleged that:

1. Petitioner offers and sells among other things, toys, namely stuffed toy animals and accessories; Clothing; Stationary, cartoon prints, cartoon strips, newspaper cartoons, books, namely a series of fiction books, books featuring stories, games and activities for children, children's activity books, coloring books, comic books, picture books and notebooks, school supplies, namely pencils, pens, erasers, ungraduated rulers, and digital media featuring children music and audio books.

2. Petitioner owns U.S. Trademark Applications Ser. No. 85054282 for the mark "ZE ZUPER ZEROS" as standard character mark and Ser.-No. 85054375 for the mark "ZE ZUPER ZEROS" as stylized form (both together referred to as the "Petitioner's Marks").

Petitioner has applied for registration of both of the Petitioner's Marks for Pre-recorded CDs featuring children music and audio books; Digital media, namely, CDs, DVDs, downloadable audio files, featuring children music and audio books in International Class 09, for Stationery; cartoon prints; cartoon strips; newspaper cartoons; books, namely, a series of fiction books, books featuring stories, games and activities for children, children's activity books, coloring books, comic books, picture books and notebooks; school supplies, namely, pencils, pens, erasers, ungraduated rulers in International Class 16, for Clothing, namely, tee shirts, sweat shirts, headbands, wristbands, underwear, hats and jackets in International Class 25, and for Infant's toys and children's toys, namely, stuffed toy animals and dolls; doll accessories, namely, clothing for dolls and toy fabrics and linens for dolls in International Class 28.

3. Petitioner has developed extensive goodwill throughout the United States with respect to Petitioner's Mark.

4. Petitioner has expended substantial sums in the advertising and promotion of clothing sold under Petitioner's Mark throughout the United States.

5. By dint of its methods and the expenditure of considerable sums for promotional activities, advertising, and by virtue of the excellence of its products, the Petitioner has garnered for Petitioner's Mark a most valuable reputation.

6. Registrant owns U.S. Trademark Registration No. 3,068,938 (the "Registrant's Registration") for "SUPER-ZERO" (the "Registrant's Mark") for comic books, graphic novels, series of fictional books; comic strips; coloring and children's books; series of trading cards in International Class 16.

7. Registrant's Registration should be cancelled because, upon information and belief, Registrant's Mark has never been used in commerce in the United States, and, even if Registrant's Mark was ever used in commerce in United States, it has ceased to be so used.

8. Furthermore, if Registrant's registration is permitted to continue, the same may be held incontestable after five (5) years from the date of registration, and Registrant would thereby attain an incontestable right to use the mark "SUPER-ZERO" in commerce.

9. Furthermore, the continued existence of Registrant's Registration casts a cloud on Petitioner's own right to use, develop and expand Petitioner's Mark in the United States. Such registration would, therefore, be a source of damage and injury to the Petitioner.

10. Furthermore, should the Registrant attempt to use Registrant's Mark in the future, concurrent use of the two marks by the Registrant and the Petitioner could result in irreparable damage to Petitioner's reputation and goodwill, if the Registrant's goods are inferior, since purchasers are likely to attribute the source of the Registrant's goods to the Petitioner.

11. A duplicate copy of this Petition is enclosed herewith. Payment of any applicable filing fee is made with filing.

WHEREFORE, Petitioner respectfully requests that Registration No. 3,068,938 be canceled.

Please address all correspondence to Herve N. Linder, Esq., ERNST & LINDER LLC, 17 Battery Place, Suite 1307, New York, NY 10004.

Respectfully submitted,

ERNST & LINDER LLC

By:

  
Herve N. Linder, Esq.

Dated: March 20, 2011

Ernst & Linder LLC  
17 Battery Place  
New York, New York 10004  
(212) 488 1672

Counsel for Petitioner, Mc Eron Ltd.